

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

| | | |
|------------------------------------|---|------------------------------|
| (1) SHERI CHRISTINE WHITNEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 21-cv-00147-GKF-CDL |
| |) | |
| (1) WALMART, INC.; |) | |
| (2) WAL-MART ASSOCIATES, INC.; |) | |
| (3) WAL-MART STORES EAST, LP; and, |) | |
| (4) WAL-MART REAL ESTATE BUSINESS |) | |
| TRUST, |) | |
| |) | |
| |) | |
| Defendants. |) | |

NOTICE OF REMOVAL

In accordance with the provisions set forth in 28 U.S.C. § 1441, *et seq.*, notice of removal is given as follows: Defendants Walmart, Inc., Wal-Mart Associates, Inc., Wal-Mart Stores East, L.P., and Wal-Mart Real Estate Business Trust (proper party entity “Wal-Mart Stores East, L.P.” hereinafter “Defendant”) remove this action from the District Court of Tulsa County, Case No. CJ-2021-00596 (“State Court Action”), to this Court pursuant to 28 U.S.C. § § 1332 and 1441, *et seq* and LCvR81.2. Pursuant to 28 U.S.C. §1446 and LCvR81.2, a copy of the District Court Docket Sheet is attached hereto as Exhibit 1. Copies of all documents served and/or filed in the State Court Action are attached hereto as Exhibits 2-5.

1. The Plaintiff alleges she was injured on Defendant’s premises and suffered damages in excess of \$75,000, the amount required for diversity jurisdiction.
2. This cause of action was filed in the District Court of Tulsa County, State of Oklahoma, on February 26, 2021.
3. The Defendant was served with the Plaintiff’s Petition on March 4, 2021.

4. On March 25, 2021, Defendant filed its Special Entry of Appearance and Reservation of Enlargement of Time in which to Respond.
5. Pursuant to 28 U.S.C. §1446(b), Defendant has filed this Notice of Removal within the required 30 days after receipt by the Defendant “of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.”
6. The District Court of Tulsa County, the court in which this action is pending, is located within this Court’s jurisdiction.
7. Removal of this action is proper under 28 U.S.C. § 1441, *et seq.*, because this Court has original diversity jurisdiction over this matter, given that:
 - a. The amount in controversy exceeds \$75,000.00, exclusive of interest or costs. The Defendant learned through service of the Plaintiff’s Petition, on or about March 4, 2021, that the amount in controversy exceeded \$75,000.
 - b. Upon knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the Plaintiff is a resident of Oklahoma.
 - c. Wal-Mart is a foreign Limited Partnership existing under and by virtue of the laws of the State of Delaware with its principal place of business in the City of Bentonville, County of Benton, State of Arkansas.
 - d. Accordingly, there is complete diversity of citizenship in this action, and this case is removable on that basis.
8. Written notice of the filing of this Notice of Removal is being promptly given to Plaintiff and a Notice of Filing of Notice of Removal is promptly being filed with the clerk of the District Court of Rogers County, as required by 28 U.S.C. § 1446(d).

For the reasons stated above, Defendants Walmart, Inc., Wal-Mart Associates, Inc., Wal-Mart Stores East, L.P., and Wal-Mart Real Estate Business Trust (proper party entity “Wal-Mart Stores East, L.P.”) remove this action from the District Court of Tulsa County, to this Honorable Court.

JURY TRIAL DEMANDED

Respectfully submitted,

s/Mark T. Steele
Mark T. Steele, OBA # 14078
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on 5th day of April 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Andrea R. Clinger
Attorney for Plaintiff

s/Mark T. Steele